

SUPERIOR COURT OF CALIFORNIA, COUNTY OF		FOR COURT USE ONLY
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER/PLAINTIFF:		
RESPONDENT/DEFENDANT:		
OTHER PARENT:		
<input type="checkbox"/> MINUTES AND	<input type="checkbox"/> ORDER	<input type="checkbox"/> JUDGMENT
		<input type="checkbox"/> RECOMMENDED ORDER
		CASE NUMBER:

This form may be used for preparation of court minutes and/or as an alternative to forms FL-615, FL-625, FL-665, or FL-687. If this form is prepared as both court minutes and an alternative to one of these forms, then the parties do not need to prepare any additional form of order.

1. **This matter proceeded as follows:** Uncontested By stipulation Contested
 - a. Date: _____ Time: _____ Department: _____
 - b. Judicial officer (name): _____ Judge Pro Tempore Commissioner
 - c. Court reporter (name): _____
 - c. Court clerk (name): _____ Bailiff (name): _____
 - d. Petitioner present Attorney present (name): _____
 - e. Respondent present Attorney present (name): _____
 - f. Other parent present Attorney present (name): _____
 - g. Attorney for local child support agency (name): _____
 - h. The obligor (the parent ordered to pay support) for purposes of this order is the petitioner respondent other parent.
 - i. Other (specify): _____
 2. This is a recommended order/judgment based on the objection of (specify name):
 3. a. This matter is taken off calendar.
 - b. This entire matter is denied with without prejudice.
 - c. This matter is continued at the request of the local child support agency petitioner respondent other parent to:
Date: _____ Time: _____ Department: _____
(Specify issues):
 Petitioner Respondent Other parent is ordered to appear at that date and time.
 - d. The court takes the following matters under submission (specify):
4. **Order of examination**
The petitioner respondent other (specify): _____ was sworn and examined.
 Examination was held outside of court.
 5. **Referrals**
 - a. The parties are referred to Family Court Services or Mediation.
 - b. Petitioner Respondent Other parent is referred to the family law facilitator.
 - c. Other (specify): _____
- THE COURT FINDS**
6. Respondent Petitioner Other parent was was not served regarding this matter.
 7. Respondent Petitioner Other parent admits denies parentage.
 8. The parents of the children named below in item 14(a) are (specify names): _____

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9. Respondent Petitioner Other parent has read, understands, and has signed the *Advisement and Waiver of Rights for Stipulation* (form FL-694) attachment. He or she gives up those rights and freely agrees that a judgment may be entered in accordance with these findings.

10. a. Guideline support amount: \$
- b. This order is not based on the guideline.
- c. The attached *Guideline Findings Attachment* (form FL-693) is incorporated into these findings.
- d. A printout, which shows the calculation of child support payable, is attached and must become the court's findings.
- e. The child support agreed to by the parents is below above the statewide child support guideline. The amount of support that would have been ordered under the guideline formula is \$ per month. The parties have been fully informed of their rights concerning child support. Neither party is acting out of duress or coercion. Neither party is receiving public assistance, and no application for public assistance is pending. The needs of the children will be adequately met by this agreed-upon amount of child support. The order is in the best interest of the children. If the order is below the guideline, no change of circumstances will be required to modify this order. If the order is above the guideline, a change of circumstances will be required to modify this order.
- f. The low-income adjustment applies.

11. Arrearages from (specify date): through (specify date):
are \$ including interest interest not computed and not waived.

THE COURT ORDERS

12. All orders previously made in this action must remain in full force and effect except as specifically modified below.
13. Genetic testing must be coordinated by the local child support agency.
- a. Respondent Petitioner Mother of the children
 Other (specify): and the minor children must each submit to genetic testing as directed by the local child support agency.
- b. Obligor must reimburse the local child support agency for genetic testing costs of \$
14. a. Obligor is the parent of the following children and must pay current child support for them.
 There is sufficient evidence that the obligor is the parent of the following children to enter a support order, the obligor must pay current child support for them as follows:

<u>Name</u>	<u>Date of birth</u>	<u>Monthly basic support amount</u>
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- Additional children are listed on an attached page.
- b. Obligor must pay additional support monthly for actual child-care costs:
 (specify amount): \$ one-half (specify percent): percent of said costs.
Payments must be made to the local child support agency other party child-care provider.
- c. Obligor must pay reasonable uninsured health-care costs for the children:
 (specify amount): \$ one-half (specify percent): percent of said costs.
Payments must be made to the local child support agency other party health-care provider.
- d. Obligor must pay additional support monthly for the following (specify):
 (specify amount): \$ one-half (specify percent):
Payments must be made to the local child support agency other party.
- e. Other (specify):
- f. For a total of: \$ payable on the: day of each month
beginning (date):
- g. The low-income adjustment applies.
 The low-income adjustment does not apply because (specify reasons):
- h. Any support ordered will continue until further order of court, unless terminated by operation of law.

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent per year.

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15. Obligor may claim the children for tax purposes as long as all child support payments are current as of the last day of the year for which the exemptions are claimed.

16. Petitioner Respondent Other parent must pay to petitioner respondent other parent

as spousal support family support \$ per month, beginning (date):
 payable on the: day of each month.

17. Obligor must pay child support for past periods and in the amounts set forth below:

<u>Name</u>	<u>Period of support</u>	<u>Amount</u>
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a. Other (specify):

b. For a total of: \$ payable on the: day of each month
beginning (date):

c. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

18. Obligor owes support as follows, as of (date):

a. Child support: \$ Spousal support: \$ Family support: \$ Other: \$

b. Interest is not computed and is not waived.

c. Payable: on the: day of each month
beginning (date):

d. Interest accrues on the entire principal balance owing and not on each installment as it becomes due.

19. No provision of this judgment can operate to limit any right to collect all sums owing in this matter as otherwise provided by law.

20. All payments except as otherwise ordered must be made to (name and address of agency):

21. An earnings assignment order is issued.

22. Obligor Obligee must (1) provide and maintain health insurance coverage for the children if it is available through employment or a group plan, or otherwise at no or reasonable cost, and must keep the local child support agency informed of the availability of the coverage; (2) if health insurance is not available, provide coverage when it becomes available; (3) within 20 days of the local child support agency's request, complete and return a health insurance form; (4) provide to the local child support agency all information and forms necessary to obtain health-care services for the children; (5) present any claim to secure payment or reimbursement to the other parent or caretaker who incurs costs for health-care services to the children; (6) assign any rights to reimbursement to the other parent or caretaker who incurs costs for health-care services for the children. If the "Obligor" box is checked, a health insurance coverage assignment will issue.

23. Job search. (specify name(s)): must seek employment for at least (specify number): jobs per week and report those job applications and results to the court and the local child support agency at the continuance date. These job applications are to be made in person, not by phone, fax, or e-mail.

24. For purposes of the licensing issue only, the obligor is found to be in compliance with the support order in this action. The local child support agency must issue a release of license(s).

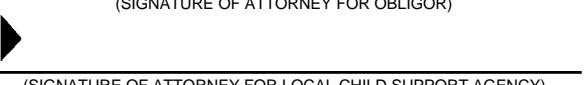
25. Notwithstanding any noncompliance issues with the support order in this action, the court finds that the needs of the obligor warrant a conditional release. The local child support agency must issue a release of license(s). Such release is effective only as long as the obligor complies with all payment terms of this order.

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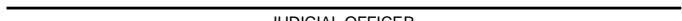
26. A warrant of attachment/bench warrant issues for (specify name):
 a. Bail is set in the amount of: \$ _____
 b. Service is stayed until (date): _____
27. The court retains jurisdiction to make orders retroactive to (date): _____
28. The court reserves jurisdiction over all issues the issues of (specify): _____
29. The parents must notify the local child support agency in writing within 10 days of any change in residence or employment.
30. The *Notice of Rights and Responsibilities—Health-Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* are attached and incorporated.
31. The following person (the “other parent”) is added as a party to this action under Family Code sections 17400 and 17406 (specify name): _____
32. **The court further orders** (specify): _____
33. Number of pages attached: _____

Approved as conforming to court order:
 Date: _____


 (SIGNATURE OF ATTORNEY FOR OBLIGOR)


 (SIGNATURE OF ATTORNEY FOR LOCAL CHILD SUPPORT AGENCY)

Date: _____


 JUDICIAL OFFICER

Signature follows last attachment.

NOTICE OF RIGHTS AND RESPONSIBILITIES

Health-Care Costs and Reimbursement Procedures

IF YOU HAVE A CHILD SUPPORT ORDER THAT INCLUDES A PROVISION FOR THE REIMBURSEMENT OF A PORTION OF THE CHILD'S OR CHILDREN'S HEALTH-CARE COSTS AND THOSE COSTS ARE NOT PAID BY INSURANCE, THE LAW SAYS:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion.

If you claim that the other party has failed to reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. **Burden to prove.** The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. **Cost of additional coverage.** If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the party incurring those costs.

Aviso sobre derechos y responsabilidades Procedimiento relativo a costos de salud y devolución de dichos costos

Si la orden judicial de manutención de menores que usted tiene incluye una disposición sobre devolución de costos incurridos por servicios de salud para menores y de costos no cubiertos por el seguro médico, la ley prescribe lo siguiente:

1. El aviso. Usted tiene que darle al otro padre una factura detallando los costos que le hayan cobrado a usted por los servicios de salud que no estén cubiertos por seguro médico. Debe dársela con antelación razonable y no más tarde de 30 días después de recibir usted el cobro de pago.

2. El comprobante de haber pagado la totalidad. Si usted ya pagó la totalidad de los servicios médicos que no estén cubiertos por seguro médico, deberá: (1) darle al otro padre el comprobante de pago y (2) pedirle que le pague a usted la parte que según la orden judicial le corresponde pagar.

3. El comprobante de haber pagado una parte. Si sólo pagó la parte que le correspondía a usted, entonces debe: (1) darle al otro padre un comprobante indicando cuál fue la parte que usted ya pagó, (2) pedirle que le pague al proveedor de servicios médicos directamente lo que falta por pagar y (3) darle la información necesaria para que pueda pagar esa factura.

4. El pago que le corresponde al padre notificado. Si el otro padre le avisa a usted que se han incurrido costos por servicios de salud que no estén cubiertos por un seguro de salud, usted deberá pagar la parte que le corresponde dentro del plazo ordenado por el tribunal. Si el tribunal no ordena un plazo específico, deberá pagar de una de las siguientes maneras: (1) a más tardar en un plazo de 30 días desde la fecha cuando le avisaron que tenía que pagar, (2) según un horario que acuerde con el otro padre o (3) según un horario que el tribunal determine.

5. Cuando hay disputa sobre los costos. Si usted disputa algún costo, puede solicitar que el tribunal resuelva la disputa, radicando una moción (o pedimento). Esto sólo se puede hacer si ha pagado la suma disputada antes de radicar su moción. Si está reclamando que el otro padre no le ha pagado a usted o al proveedor de servicios de salud después de haber recibido la notificación apropiada, puede radicar una moción pidiéndole al tribunal que resuelva esa disputa. El tribunal

asumirá que si usted ya pagó los servicios médicos que no estaban cubiertos bajo seguro de salud, esto fue porque los costos eran razonables. El tribunal suele imponer el pago de honorarios de abogado a cualquiera de las partes que se comporte de una manera que no sea razonable.

6. La cobertura de seguro impuesta por orden judicial. Si el tribunal le ordena a uno de los padres que tiene que proveer seguro de salud, dicho seguro deberá usarse todo el tiempo siempre y cuando esté disponible para cubrir los costos de servicios de salud.

a. La responsabilidad de comprobación. La parte que reclame que la cobertura del seguro de salud es insuficiente para los menores tiene la responsabilidad de comprobarlo ante el tribunal.

b. Cobertura adicional. Si una de las partes compra un seguro de salud adicional, fuera del ordenado por el tribunal, tendrá que pagar solo el seguro de salud adicional. Si uno de los padres cubre gastos médicos de otra manera que no sea la dispuesta por el tribunal, tendrá que pagar la diferencia de costos solo.

7. Proveedor preferido para servicios de salud.

Si el tribunal ordena que se use un proveedor de servicios de salud preferido, las partes tienen que usar dicho proveedor siempre y según los términos de la póliza del seguro de salud. Si una de las partes decide usar un proveedor que no sea el preferido e incurre costos por servicios que dicho proveedor podría haber cubierto, tendrá que asumir la total responsabilidad de los costos incurridos.

INFORMATION SHEET ON CHANGING A CHILD SUPPORT ORDER

General Information

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Modify an Existing Child Support Order

1. **Obtain and fill out the modification forms.** The forms are available from the court clerk, a family law facilitator, your local law library, the California Courts Web site (www.courtinfo.ca.gov), and various legal publishers. You will need to complete the following forms:
 - *Order to Show Cause* (form FL-300) **or** *Notice of Motion* (form FL-301) and *Application for Order and Supporting Declaration (Family Law—Uniform Parentage)* (form FL-310) **or** *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (form FL-390) **or** *Order to Show Cause (Governmental)* (form FL-683) **or** *Notice of Motion (Governmental)* (form FL-680) **or** *Request for Order and Supporting Declaration (Governmental)* (form FL-684) if your case is open with the local child support agency.
 - *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155).
2. **File the forms and obtain a hearing date from the court clerk. Write the hearing date on the modification forms.** You will have to pay a filing fee. If you cannot afford a filing fee, you can request a waiver of it by filing an *Application for Waiver of Court Fees and Costs* (form 982(a)(17)).
3. **Serve the modification forms on the other parent and, if it is involved, the local child support agency.** “Serve” means “legally” delivering a copy of the papers. The forms generally must be served no later than 21 calendar days before the hearing if they are delivered in person. The delivery can normally be done by mail, but then it must be done at least 26 calendar days before the hearing. All service must be done by a person **other than you** who is at least age 18. This person must serve all papers you completed for the court as well as a blank *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320) and blank *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155).
4. **File a Proof of Service (form FL-330 or FL-335) with the court clerk that the court papers were served on the other parent and, if it is involved, the local child support agency.**
5. **Attend the court hearing.** Bring your latest federal tax return and your last two months' pay stubs to the court hearing. The judge will review your modification forms and the other parent's response, listen to both of you, and make an order. You should then prepare a *Findings and Order After Hearing* (form FL-340) with *Child Support Information and Order Attachment* (form FL-342).

If you cannot complete these forms by yourself, help is available. Contact the family law facilitator in your county or the lawyer referral service of your local bar association, or consult the Yellow Pages of your telephone book under “Attorneys.”

Información sobre cómo cambiar una orden judicial sobre manutención de menores

Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en esta causa. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se modifique. Una orden de manutención de menores sólo puede modificarse radicando ante el tribunal una moción (o pedimento) que solicite la modificación de manutención y es necesario dar a todas las partes interesadas en la causa una copia de dicha moción. Si ambos padres llegan a un común acuerdo sobre una suma y si la agencia local que vigila la manutención de menores acepta dicho acuerdo (en caso de que esta agencia participe), cada uno de los padres puede llenar y hacer firmar una *Estipulación para establecer o modificar una orden de manutención de menores* (formulario FL-350) o llenar y hacer firmar una *Estipulación y orden (Documento gubernamental)* (formulario FL-625).

¿Cuándo se puede modificar una orden de manutención de menores?

El juez toma varios factores en consideración cuando emite una orden judicial sobre el pago de manutención de menores. Primero, considera, el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada uno asume la custodia física de los hijos. El tribunal estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Si hay cambios considerables en los ingresos netos de alguno de los padres, en el tiempo que los menores pasan con cada uno de los padres, o cuando nace un nuevo hijo, la orden de manutención de menores se puede modificar.

Ejemplos:

- Si a usted se le ha ordenado pagar \$500 mensuales de manutención de menores y luego pierde su empleo. Continuará debiendo \$500 mensuales, mas el 10% de intereses sobre la suma de manutención debida, a menos que radique una moción solicitando que se modifique la orden y se reduzca la suma de manutención y que el tribunal ordene dicha reducción.
- Si usted está recibiendo del otro parente \$300 mensuales por manutención de menores y los ingresos de ese parente aumentan considerablemente, usted continuaría recibiendo \$300 mensuales, a menos que radique una moción para solicitar la modificación de la orden y que el tribunal ordene el aumento de la suma de manutención de menores.
- Si paga manutención de menores basándose en que pasa un 30% de tiempo con la custodia parcial de sus hijos y después de varios meses resulta que en efecto está pasando el 50% del tiempo con la custodia física de sus hijos, podrá presentar una moción pidiendo que se reduzca la suma de manutención.

¿Cómo modificar una orden judicial existente sobre manutención de menores?

1. **Obtenga y llene los formularios para pedir las modificaciones.** Puede pedirlos en la secretaría del tribunal o se los puede pedir al asesor legal del tribunal de familia. También, puede encontrar los formularios en la página de Internet del Concejo Judicial (www.courtinfo.ca.gov) o puede comprarlos a diversos editores de materiales legales. Los siguientes son los formularios que hay que llenar:

- *Orden para dar razones* (formulario FL-300) o el formulario *Aviso de moción* (formulario FL-301) y *Solicitud para orden y declaración que respalda la solicitud* (formulario FL-310) o el formulario *Aviso de moción y moción simplificada para modificación de orden de manutención de menores* (formulario FL-390) o el formulario *Orden para dar razones (Documento gubernamental)* (formulario FL-683) o el formulario *Aviso de moción (Documento gubernamental)* (formulario FL-680) o el formulario *Petición para orden y declaración que respalda la petición (Documento gubernamental)* (formulario FL-684), si su caso está abierto en la agencia local que vigila la manutención de menores.
 - *Declaración de ingresos y gastos* (formulario FL-150) o el formulario *Declaración financiera (Simplificada)* (formulario FL-155)
2. **Presente los formularios en la secretaría del tribunal y pida una fecha de audiencia.** Escriba la fecha de la audiencia en los formularios para las modificaciones. Tendrá que pagar al presentar los documentos en la secretaría. Si no tiene los medios para pagar, puede pedir que le exoneren del pago llenando el formulario *Solicitud para exoneración de costos de tribunal* (formulario 982(a)(17)).
3. **Entregue la notificación* de los formularios de modificación.** Entregue dicha notificación al otro parente y a la agencia local que vigila la manutención de menores, si dicha agencia participa en el caso. “Entregar la notificación” significa hacer entrega de una copia de los documentos, “según lo pide la ley.” Por lo general, los documentos se tienen que entregar a más tardar 21 días calendarios antes de la audiencia se van a entregar en persona. La entrega normalmente se puede hacer por correo, pero en ese caso los documentos se tienen que enviar 26 días calendarios antes de la audiencia. La entrega en persona la tiene que hacer una persona que tenga por lo menos 18 años de edad y que no sea usted mismo. Quien entregue la notificación debe entregar también todos los documentos que usted haya radicado ante el tribunal y entregar además un formulario en blanco de *Contestación a una orden judicial* (formulario FL-320) o el formulario *Aviso sobre moción* (formulario FL-320) y un formulario en blanco de *Declaración de ingresos y gastos (Tribunal de Familia)* (formulario FL-150) o un formulario de *Declaración financiera (Simplificada)* (formulario FL-155).
4. **Radicar en la secretaría del tribunal el Comprobante de notificación (formularios FL-330 o FL-335) para comprobar que los documentos fueron entregados al otro parente y a la agencia local que vigila la manutención de menores, si dicha agencia participa.**
5. **Asista a la audiencia ante el tribunal.** Traiga a la audiencia ante el tribunal sus dos últimas declaraciones de impuestos federales y sus talones de cheques de los dos últimos meses. El juez estudiará los formularios que solicitan la modificación y la respuesta del otro parente, escuchará lo que digan ambas partes y luego emitirá una orden judicial. Después de la audiencia a usted le corresponde preparar el formulario *Conclusiones y orden posterior a la audiencia* (formulario FL-340) junto con el Anexo *Información y orden sobre manutención de menores* (formulario FL-342).

Si no puede llenar estos formularios solo, puede pedir ayuda. Vaya donde el asesor legal del tribunal de familia de su condado, consulte la lista de referencias del colegio local de abogados o busque en las “páginas amarillas” del directorio telefónico bajo la palabra “attorneys” que significa “abogados” en inglés.